

How Parties Protect Civil Rights of Ukrainians

(By Maxym Latsyba, Program Head, UCIPR)

After the 2004 political reform, parties became the main administrators of public affairs. It is political parties that decide who will be a deputy of the Verkhovna Rada, regional, district or city councils. They elect the Prime Minister, other ministers and directors of state-run enterprises. Statutes of most parties govern that they are set up in order to protect rights of citizens, represent their interests and build a democratic state. **But do election programs of parties and blocs actually guarantee fundamental human rights and freedoms? Do they contain recommendations for meeting the most acute challenges of the civil society development?**

Unfortunately, none of parliamentary parties prioritized in its 2007 program the civil society development in Ukraine. Instead, all efforts of politicians are focused on guaranteeing social living standards to various social groups, working out plans of economic reforms and setting further prospects in military and foreign policies.

Hence, none of Ukrainian major political forces undertakes to guarantee and protect all civil rights and freedoms on the whole. Nevertheless, 2007 election programs give a mention of the guarantee of the following 5 civil rights: 1) the right to freedom of expression (BYuT, the Party of Regions), 2) the right to access to information (BYuT); 3) the right to fair justice (BYuT, SPU, CPU, Our Ukraine-People's Self-Defense Bloc, the Party of Regions), 4) the right to freedom from torture (Our Ukraine-People's Self-Defense Bloc); 5) the right to freedom of thought, conscience and religion (Our Ukraine-People's Self-Defense Bloc, CPU); 5) the right to participate in public affairs (BYuT, CPU, Our Ukraine-People's Self-Defense Bloc, the Party of Regions).

Unfortunately, political parties and election blocs failed to pay any attention to the protection of such fundamental civil rights as the right to freedom of peaceful assemblies, freedom of associations, protection against discrimination, life, freedom and personal inviolability, private and family life, freedom of movement and residence.

As a matter of fact, Ukrainians may enjoy these rights only if there are respective laws and clear mechanisms for their exercise. It is political parties and election blocs that bear responsibility for the drafting and adoption of respective bills and by-laws.

According to assessments of human rights organizations, (see *"Human Rights in Ukraine - 2006. Human Rights Organizations' Report"*), in practice, nearly every civil right guaranteed by the Constitution has numerous restrictions and substantial obstacles in its exercise. Some rights are not enshrined in the legislation (e.g. the right to freedom of peaceful assemblies), whereas others do not comply with positive international experience (e.g. the right to freedom of associations).

Symptomatically that in 2007, the right to fair justice proved to be the most acute for parliamentary parties and blocs. All of them supported the judicial reform and most of their positions coincided. But then why the Verkhovna Rada composed of representatives of these very political forces failed to approve the majority of legislative initiatives in this area?

The idea of active involvement of citizens in decision-making gained wide popularity among politicians. The Party of Regions, CPU and BYuT consider national and local referenda as the main mechanism for the participation of citizens in public affairs. But, unfortunately, over a year and a half of their work, none of the above factions attempted to amend the respective law in order to introduce an effective referendum procedure and consideration of people's will. Only BYuT's faction has submitted such bill but then revoked it...

Two parties – the Party of Regions and Our Ukraine-People's Self-Defense Bloc – set the application of public control mechanisms as their goal. Though for an unknown reason, Yanukovich's government does not adventure to adopt the Regulation on Public Examination of Activity of Executive Authorities approved long ago. Instead, it "successfully" abolished the Council of Entrepreneurs under the Cabinet of Ministers. In their turn, members of Our Ukraine-People's Self-Defense Bloc – Mayors of 5 regional cities (Lviv, Odesa, Ternopil, Vinnytsya and Zhytomyr) – over a year and a half of their work could not approve statutes of cities, where procedures for holding public hearings should be regulated.

Only two political forces – the Party of Regions and BYuT – decided to protect freedom of speech. Their parliamentary factions and the coalition government initiated partially positive bills but failed to meet two key challenges: introduce public broadcasting and make public names of the media owners. Meanwhile, according to journalists, the Party of Regions has the largest number of "enemies of press in 2006" (one half of 10 "nominees"). They are famous party leaders, whose decisions and actions impeded journalistic activity.

Analysis of the 2007 election program of Yulia Tymoshenko's Bloc allows to conclude that BYuT will mainly do the following: 1) *introduce public broadcasting, protect journalists' rights*; 2) *launch the judicial reform, apply the mechanism of elective judges, create independent disciplinary committees, abolish the court fee and provide for an opportunity to render free law services to the impoverished*; 3) *give citizens access to public information*; 4) *revise the law on national and local referenda*.

In its turn, in a new parliament, the Party of Regions plans to attain the following great but a somewhat abstract objectives: 1) *protect freedom of speech*; 2) *ensure conditions for fair justice and direct elections of judges by citizens*; 3) *make power controllable by the people*; 4) *hold the national referendum on Ukraine's accession to NATO*.

In the Verkhovna Rada of the 5th convocation, Our Ukraine-People's Self-Defense Bloc is going to do the following: 1) *clear justice, introduce the institution of elective justice of the peace, set up an independent Judicial Chamber for re-certification of all judges and revise compliance of their income with the property status*; 2) *practice accountability of governmental agencies and local self-government bodies, ensure public examination and appraisal of the fulfillment of electoral obligations by political parties*; 3) *guarantee freedom of religion*; 4) *guarantee freedom of citizens from torture in investigatory isolation wards and observance of civil rights there*.

The Communist Party will develop the civil society by the following means: 1) *involve citizens in critical decision-making on domestic and foreign policies by means of*

national and local referenda; 2) ensure direct elections of judges by citizens providing for an opportunity of their recall; 3) triple public funding of children's and youth organizations in 2008; 4) guarantee freedom of conscience and religion and simultaneously violate it, having rendered public support to one religion (canonical Orthodoxy) and prohibited activity of some other religious organizations ("totalitarian sects").

The Socialist Party is going to carry out only the judicial reform in unknown direction.

The largest number of bills on guarantees of civil rights and freedoms in the parliament of the 5th convocation was submitted by MPs from the Party of Regions and Yulia Tymoshenko's Bloc, but BYuT's drafts were mostly revoked before the first reading. Over 50% of bills presented by Yulia Tymoshenko's Bloc and the Socialist Party of Ukraine were revoked, which evidences the lack of consistency in this area. Yet, more than a half of bills by the Party of Regions and Our Ukraine were either defeated or not voted, which indicates both poor quality of the documents and the bias of other parties. The largest number of bills enacted or passed at the first reading was presented by the Cabinet of Ministers and Our Ukraine. Most of presidential initiatives were approved as well.

Irrespective of its composition, a new parliamentary majority will not prioritize the protection of civil rights and freedoms. Yet, proceeding from election programs and legislative initiatives of parliamentary factions, it is safe to state that a possible "orange" coalition will pay more attention to this issue.

Political parties and their factions shall apply mechanisms of consultations with civil society institutions and involve public experts in law-making. Ukrainian citizens shall more actively unite into organizations and advocate their vision and requirements for the protection of rights and freedoms before politicians.

This article is prepared within the framework of UCIPR project "Civic Education in the 2007 Parliamentary Elections". The bulletin is "Your Vote-2007". Issue 7. "Development of Civil Society and Defence of Civil Laws in Ukraine: Positions of Political Parties and Blocks" is available on the UCIPR's site <http://www.ucipr.kiev.ua>.

This article was published and translated into English in the framework of the "Increasing Institutional and Program Capacity/2006-2007" Project of the Open Society Institute Zug Foundation.

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